

OITA Outstanding Issues

Meeting with Sarah Greenwalt

February 1, 2018

INTERNATIONAL ISSUES:

Israel Mission – At the invitation of the Minister of Environmental Protection, a mission to Israel has been scheduled for February 19-23. This mission would be opportunity to renew our Memorandum of Understanding with the Ministry of Environmental Protection, and sign a Letter of Intent on Global Methane Initiative with the Ministry of Energy. The mission would also include roundtable discussions on innovative water technology and clean energy as well as site visits to the Port of Haifa and Shafdan Water Recycling Plant. One event with Israel Innovation Authority includes potential collaboration with Wisconsin's Water Council.

Action Item: AO to follow up with Wisconsin's Governor's Office.

Due Date:

Japan Mission - As a result of the government shutdown, the Administrator's mission to Japan on January 22/23 was cancelled. The Administrator and Minister of Environment were planning to sign a Joint Statement, which outlined areas of bilateral cooperation including mercury pollution, regional air quality, environmental education, sustainable materials management (3R's), and clean technology/innovation. In addition, the Administrator was going to visit sites to learn about Japan's innovative cleaner technology in coal and hydrogen. In a senior staff meeting with the Ministry on January 22, the Ministry expressed strong interest in having the Administrator reschedule his visit to Japan.

Action Item: Need to reschedule the Administrator's mission to Japan.

Due Date:

China Mission – EPA and China's Ministry of Environmental Protection hold a Joint Committee for Environmental Cooperation (JCEC) meeting every other year. The purpose of the JCEC meeting is to review the accomplishments from the past meeting and identify future activities under the existing MOU and Annexes, which includes cooperation in air, water, chemicals, waste, enforcement and law. This year China will be host and has requested that the JCEC meeting be held in May.

Action Item: Confirm dates in May for the JCEC meeting with China.

Due Date:

Mexico Mission – The Administrator had a call with Secretary Pacchiano on December 19 and indicated his desire to visit Mexico in March, which is tentatively scheduled for March 22. In addition, the Administrator invited Secretary to visit Oklahoma City for the CEC Council Session in June. The Secretary welcomed the Administrator's visit to Mexico and he also

mentioned cooperation on the migration of the monarch butterfly. In the Senior Staff meeting on January 8, the Administrator asked Region 9 to develop response options on the Tijuana spill for an upcoming meeting with Deputy Secretary of Homeland Security.

Action Item:

Due Date:

Mexico Ambassador and USAID Administrator Meeting Requests – You requested OITA to schedule a meeting between the Administrator and the Mexican Ambassador to discuss bilateral cooperation, and with the USAID Administrator to discuss interagency cooperation on the Administration's international priorities. The Mexican Embassy and USAID have agreed to these meetings which will be scheduled after the new year.

Action Item: Confirm dates for meetings with the Mexican Ambassador and USAID Administrator.

Due Date:

G7 Environment, Energy and Oceans Ministerial – Canada assumed the Chair of the G7 in January and announced its five priorities for the 2018 G7 meetings, which includes Climate Change, Oceans and Clean Energy. Canada has also decided to convene four thematic Ministerial clusters, which includes Environment, Energy and Ocean. On January 26, AO and OITA met with Canada's G7 environment lead who expressed interest in working with the U.S. in developing the agenda and shared that the Ministerial Cluster meeting was being rescheduled from April to September 2018. In the Senior Staff meeting on January 8, the Administrator mentioned the invitation from the U.S. Ambassador to visit Ottawa.

Action Item: Hold G7 meeting in Canada and bilateral meeting with Canada.

Due Date:

NAFTA Negotiations – OITA briefed the AO last year on role of EPA and the status of the NAFTA negotiations, which includes the Environment Chapter and the environmental side agreement which created the CEC. In addition to OITA, other EPA offices (OGC, OAR, OCSPP) are also involved in negotiations on provisions relating to energy, technical barriers to trade, sanitary and phytosanitary, government procurement, good regulatory practices, investor dispute settlement. The Parties completed the fifth round of negotiations in Montreal last week and sixth round is scheduled for late February in Mexico.

Action Item: Schedule briefing on NAFTA with OITA and later with other offices.

Due Date:

CEC Council Session - EPA shared the draft CEC Council Session agenda with Canada and Mexico and they expressed enthusiastic support for the proposed Weather Center and Innovation Hub site visits. Canada and Mexico will explore whether they have institutions who might be interested in partnering with the Weather Center and Innovation Hub. Canada also asked about

social media for these events. CEC Council Session costs are shared between the Secretariat and the host country (Chair). Per current proposed Council Session program, EPA would be spending resources on the Minister's lunch, opening reception, and closing dinner. Secretariat funding cover meeting rooms, delegation rooms, equipment, logistics, movements of delegations, meals for delegations, etc. \$20,000 is expected to be sufficient to cover EPA's costs as host for the current proposed program.

Action Item: Will work with OPA on social media/press for CEC Council Session. What is status of AO representational funds to cover Council Session?

Due Date:

EPA International Priorities – You expressed a desire to develop an EPA International Priorities agenda/document that the Administrator could advance in key countries. The NSC also convened a PCC meeting for the purpose of developing International Environmental deliveries that the Administration could advance this year. At the PCC meeting, EPA identified air quality, mercury pollution, and environmental control technologies as our priorities. Additional topics relating to EPA equities were also discussed including resource efficiency, marine litter, illegal mining. OITA prepared a draft EPA International Priorities document based on your input and the PCC discussion that you have reviewed with WH.

Action Item: Review the draft international priorities document with others in AO.

Due Date:

EPA International MOU/FTA's – On January 23, AO requested a list of EPA's international MOUs and FTAs and OITA provided a draft list for your review. OITA is revising this list to include four categories – (1) bilateral agreements with other countries, including legally binding agreements and high level voluntary agreements (eg. MOU's, Joint Statements); (2) multilateral international agreements with international organizations (eg. UNEP, WHO); (3) Free Trade Agreements with other countries, including environmental cooperation agreements (eg. CEC, Morocco); and (4) interagency agreements with State Department or other federal agencies to provide EPA technical assistance (eg. Russia, Brazil). OITA will also work with OGC and NPM's to identify the legal basis for legally binding agreements or other agreements as applicable and include the last date of activity in expiration box.

Action Item: OITA is revising and updating the list of international MOU/FTA's.

Due Date:

World Bank Cooperation – EPA and the World Bank have been cooperating on a number of international issues for many years and the World Bank expressed a desire to formalize this cooperation by signing a Statement of Intent (SOI). A draft SOI was developed at the end of the last year and identified four specific areas of cooperation - mercury pollution, lead paint, air quality and environmental governance. Because of the transition to a new Administration, we delayed signing it. The World Bank has inquired about the status of the SOI. The World Bank recently asked if EPA staff could speak on cumulative impact assessments at a World Bank

Global Practice meeting in mid-March. The World is also interested in cooperating with EPA on marine debris issues and wants to meet with us.

Action Item: Decision on whether to proceed with World Bank SOI.

Due Date:

China Waste Import Ban - Environmental industry stakeholders and local governments have expressed serious concern with China's recently notified import ban of commodity grade recovered materials including plastics and paper, which will go into effect on December 31st. China argues that harmful wastes have been mixed in with the recyclables that it has imported from the U.S. and other countries. U.S. municipalities and industries are concerned over how to dispose of their waste and keep recyclables out of the waste stream. There are anecdotal reports of waste beginning to pile up at storage/shipping facilities on the West Coast and Hong Kong. Commerce and USTR are requesting that China halt implementation of the ban immediately and Secretary Ross raised this issue with his counterparts during his visit to China. At Commerce/USTR's request, OITA has also raised this issue with our counterparts in China. The Solid Waste Association of North America has contacted OLEM about coordinating messaging to help calm the anxieties of local and state stakeholders.

Action Item: OITA/OLEM has prepared briefing document for your review.

Due Date:

TRIBAL ISSUES:

Treatment As a State (TAS) Requests – Last year you requested OITA develop a TAS briefing paper on EPA's TAS application process and how the TAS capability determination is made. We submitted that paper and scheduled a meeting with AO, OW, OAR, and OGC in the hopes of reaching decisions on pending TAS as well as agreeing to the process moving forward for review and approval of non-regulatory and regulatory TAS. This meeting was cancelled and you asked OW to prepare separate briefing paper for pending TAS applications, including for Colville and Navajo. OW has recently established the following guidelines for pending TAS applications:

- For a TAS application that is administrative in nature and that doesn't raise any sensitive or precedent-setting issues, we will notify AO of a Region's approval of the TAS application (but won't ask for formal review/concurrence on it);
- For an administrative TAS application that has any politically sensitive issues or that could set a precedent, we will flag for AO that additional review may be necessary.
- For a regulatory TAS, we will continue to coordinate through AO for formal review/concurrence.

OAR would like to follow similar guidelines for TAS review and approval.

Action Item: What is the status of the applications for regulatory TAS?

Due Date:

Indian Energy Service Center MOU – The Indian Energy Service Center (IESC) contact EPA Region 8 about entering into a MOU on energy development in Indian Country. The MOU

would create a framework for cooperation on Indian energy and mineral issues, including exchange of information on policies, plans, and best practices to support Indian energy development. A GAO report investigating how the BIA was handling Indian energy development made a recommendation that the IESC expand to other agencies and IESC proposes to enter into MOUs with the USFWS, ACE, DOE and EPA. The IESC needs to submit status of MOU's to BIA HQ the first week in December. You mentioned that you will be discussing this Region 8 RA, Doug Benevento.

Action Item: OITA provided you with background information from Region 8 and contact person at DOI.

Due Date:

Columbia River Treaty – You requested a background paper on the Columbia River Treaty last year which OITA prepared with OGC. The current Treaty outlines cooperation between U.S. and Canada on flood control and hydroelectric power generation issues in the Pacific Northwest. EPA, along with 10 other federal agencies, state and tribal governments, developed recommendations for a modernized Treaty, which would include consideration of ecosystem function as it relates to water quality and resource protection. The Columbia River Inter-Tribal Basin Commission and tribal governments have also identified ecosystem function as critical to maintaining their tribal way of life and have emphasized this in meetings with EPA Region 10 and OITA. EPA met with State Department's lead negotiator on the Treaty last year.

Action Item: EPA is scheduling a meeting with Interior's lead negotiator on the Treaty.

Due Date:

Visit to Indian Country - OITA and Region 6 prepared a draft agenda for the Administrator trip to Indian Country in New Mexico which was tentatively scheduled for September, but was cancelled due to Hurricane Harvey. At the National Tribal Operations Committee (NTOC) meeting in October, the Administrator was invited by two National Tribal Caucus (NTC) members to visit Indian Country in Arizona and Idaho. The Administrator has received a letter of invitation from the Shoshone-Bannock Tribe in Idaho.

Action Item: Schedule Administrator trip to Indian Country in 2018.

Due Date: